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U.S. DISTRICT COURT  
N.D. OF ALABAMA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

REGINA CALDWELL,

Plaintiff,

V.

Case No.: 5:18-cv-193-LCB

SOCIAL SECURITY  
ADMINISTRATION,  
COMMISSIONER,

Defendant.

## MEMORANDUM OPINION AND ORDER

Before the Court is the complaint of plaintiff Regina Caldwell. Plaintiff seeks judicial review of an adverse final decision of the Commissioner of the Social Security Administration (“the Commissioner”) pursuant to 42 U.S.C. § 405(g). The Court finds that this action is due to be remanded to the Commissioner for consideration consistent with this Order. In particular, the Commissioner should expressly consider and address the frequency and severity of plaintiff’s migraine headaches.

The ALJ found that plaintiff's impairment of chronic migraine headaches would reasonably be expected to cause the alleged symptoms, but that her statements concerning the intensity, persistence, and limiting effects of these symptoms were not entirely consistent with the medical evidence and other

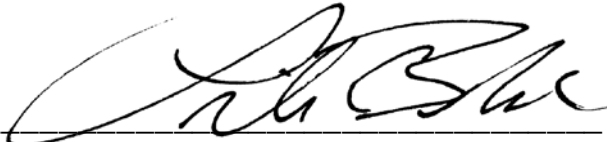
medical evidence in the record. In particular, the ALJ states that the medical evidence shows that the severity of plaintiff's condition would not preclude work activity. The ALJ notes medical records that indicate "great results" from Botox treatments; however, the ALJ fails to address that the "great results" mean only ten headaches in the first month following treatment and fifteen in the second month following treatment. (R. 17). The Court agrees that the medical records do reflect anywhere from good to excellent results from Botox treatment. The problem is that, in plaintiff's case, the medical records reflect that she still reports headaches anywhere from five to ten times a month. And, as the vocational expert testified, if a person were to be absent for more than two days a month, there would be no competitive employment available. (*Id.* at 72). Consequently, the Court finds that the ALJ should expressly address and analyze the actual frequency and severity of plaintiff's headaches and whether her allegations regarding same are credible and consistent with the record medical evidence. *See, e.g., Wagner v. Colvin*, No. 2:16-CV-720-TMP, 2017 WL 3087489, at \*7 (N.D. Ala. July 20, 2017) (finding that ALJ's decision that plaintiff was not disabled due to her migraine headaches because "the medical evidence and the reports of daily activities were not inconsistent with the plaintiff's reports of migraine headaches; furthermore, the ALJ never made any assessment of how frequent, long-lasting, or severe the headaches were").

Accordingly,

IT IS ORDERED that the final decision of the Commissioner is REVERSED and REMANDED for consideration consistent with this Order.

A final judgment will be entered separately.

**DONE** and **ORDERED** March 11, 2019.



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**LILES C. BURKE**  
UNITED STATES DISTRICT JUDGE